

**Remarks****I. Status of the Application**

Claims 57-83 are pending in the application. Claims 82-83 are added.

**II. Rejection for Nonstatutory Double Patenting**

Claims 57-69 have been rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claim 1 of U.S. Patent No. 6,456,709 (referred to as the "Parent '709"). Claims 70-81 have been rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claim 16 of the Parent '709.

The applicant will file a Terminal Disclaimer after allowable subject matter has been identified, if appropriate.

**III. Claim Rejections - 35 USC § 102**

Claims 57-61, 63, 68, 70-75, and 80 have been rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,181,237 ("Dowden"). The rejection is respectfully traversed.

**Claim 57**

Claim 57 defines a method for providing directory assistance services to a caller. Claim 57 requires, in part, "before automatically transferring the caller to a directory assistance provider, determining whether the connection status signal indicates a non-answering condition," and "automatically transferring the caller to a directory assistance

provider, and offering a selected service to the caller when it is determined that the connection status signal indicates a non-answering condition.”

Dowden discloses a system and method for automatically processing operator assistance calls. In a first disclosed example, a collect call is set up without requiring the services of an operator. (Col. 8, lines 51-52). A request is received from a calling terminal to set up a collect call to a called terminal. (Col. 7, lines 45-47). A connection is set up to the called terminal, and when the called terminal answers, an answer signal is transmitted back to the “control 10.” (Col. 8, lines 39-41). When the “control 10” receives the answer signal, an announcement is made to the called customer that the call is a collect call. (Col. 8, lines 41-46). In this example, the called customer has agreed in advance to accept all collect calls, therefore the call is set up after the announcement is made. (Col. 8, lines 46-50). In a second example of a method for setting up a collect call, an attempt is made to set up a connection to the called terminal. If the called customer does not answer within a first predetermined interval, an announcement is returned to the calling party indicating there was no answer. (Col. 14, lines 29-32). If the calling party does not disconnect within a second predetermined interval, the calling party is connected to an operator whose display “indicates the status of the call and pertinent data.” (Col. 14, lines 38-42).

Dowden does not teach or suggest “offering a selected service to the caller when it is determined that the connection status signal indicates a non-answering condition,” as required by claim 57. In the first example discussed above, there is no detection of a non-answering signal, as claimed, since the called terminal does answer. In the second example discussed above, while the called party fails to answer, and the caller is transferred back to an operator, Dowden does not teach or suggest that the operator offers “a selected service to the caller,” as

required by claimed 57. Dowden only discloses that the operator's display "indicates the status of the call and pertinent data," as explained above.

None of the other cited art teaches or suggests the combination of claim 57, either. Therefore, claim 57 and its dependent claims are patentable over the cited art.

#### **Claim 70**

Claim 70 defines a method for providing directory assistance services to a caller. Claim 70 requires "receiving a call from the caller, the call including a directory assistance request" and "in response to the directory assistance request, attempting to establish a telephonic connection between the caller and a destination party." Claim 70 further requires "detecting a connection status signal concerning an establishment of the telephonic connection," and "before automatically transferring the caller to a directory assistance provider, determining whether the connection status signal indicates a ring-no-answer condition". Claim 70 also requires "automatically transferring the caller to a directory assistance provider while continuing the attempt to establish the telephonic connection when it is determined that the connection status signal indicates a ring-no-answer condition."

Dowden fails to teach or suggest "automatically transferring the caller to a directory assistance provider while continuing the attempt to establish the telephonic connection when it is determined that the connection status signal indicates a ring-no-answer condition," as required by claim 70. In the first example discussed above, there is no detection of a "ring-no-answer condition," as claimed, since the called terminal does answer. In addition, as explained above, because the collect call is established without requiring the services of an operator, the caller is not transferred "to a directory assistance provider" after a connection

status signal is detected, as claimed. In the second example discussed above, while the called party fails to answer, and the caller is transferred back to an operator, Dowden does not teach or suggest transferring the caller to a directory assistance provider “while continuing the attempt to establish the telephonic connection,” as required by claimed 70. As stated above, Dowden only discloses that the operator’s display “indicates the status of the call and pertinent data.”

None of the other cited art teaches or suggest the combination of claim 70, either. Therefore, claim 70 and its dependent claims are patentable over the cited art.

#### **IV. Claim Rejections - 35 USC § 103**

##### **Claim 62**

Claim 62 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dowden. The rejection is respectfully traversed.

Claim 62 depends from claim 57. Claim 57 is patentable over the cited art for the reasons set forth above. Therefore, claim 62 is also patentable over the cited art.

##### **Claims 64-67 and 76-79**

Claims 64-67 and 76-79 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dowden in further view of U.S. Patent No. 5,764,731 (“Yablon”). The rejection is respectfully traversed.

Claims 64-67 depend from claim 57. Claims 76-79 depend from claim 70. Claims 57 and 70 are patentable over the cited art for the reasons set forth above. Therefore, claims 64-67 and 76-79 are also patentable over the cited art.

**Claims 69 and 81**

Claims 69 and 81 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dowden in view of U.S. Patent No. 5,835,570 (“Wattenbarger”). The rejection is respectfully traversed.

Claim 69 depends from claim 57. Claim 81 depends from claim 70. Claims 57 and 70 are patentable over the cited art for the reasons set forth above. Therefore, claims 69 and 81 are also patentable over the cited art.

**V. New Claims 82-83**

New claim 82 defines a method for providing directory assistance services to a caller. Claim 82 requires “receiving a call from a caller using a communication device, the call including a directory assistance request,” “in response to the directory assistance request, attempting to establish a telephonic connection between the caller and a destination party,” and “detecting a connection status signal concerning an establishment of the telephonic connection.” Claim 82 further requires “determining that the connection status signal indicates a non-answering condition,” “in response to the connection status signal, automatically presenting to the caller an option to receive a telephone number associated with the destination party by pressing a predetermined key on the communication device,” and “providing to the caller the telephone number associated with the destination party when the caller presses the predetermined key on the communication device.” Support for new claim 82 is found in original claim 65, and at pages 23-24, for example.

None of the cited art teaches or suggests the combination recited in new claim 82. For example, for the reasons set forth above, none of the cited art teaches or suggests

“determining that the connection status signal indicates a non-answering condition” and “in response to the connection status signal, automatically presenting to the caller an option to receive a telephone number associated with the destination party by pressing a predetermined key on the communication device,” as required by new claim 82. Therefore, new claim 82 is patentable over the cited art.

New claim 83 defines a method for providing directory assistance services to a caller. New claim 83 requires “receiving a call from a caller using a communication device, the call including a directory assistance request,” “in response to the directory assistance request, attempting to establish a telephonic connection between the caller and a destination party,” and “detecting a connection status signal concerning an establishment of the telephonic connection.” New claim 83 further requires “determining that the connection status signal indicates a non-answering condition” and “in response to the connection status signal, automatically presenting to the caller an option to record a message to be delivered to the destination party, the option being selected by pressing a predetermined key on the communication device.” New claim 83 additionally requires “recording a message provided by the caller, when the caller presses the predetermined key on the communication device” and “delivering the message to the destination party.” Support for new claim 83 is found in original claim 63, and at pages 23-24, for example.

None of the cited art teaches or suggests the combination of new claim 83. For example, none of the cited art teaches or suggests “in response to the connection status signal, automatically presenting to the caller an option to record a message to be delivered to the destination party, the option being selected by pressing a predetermined key on the communication device,” “recording a message provided by the caller, when the caller presses

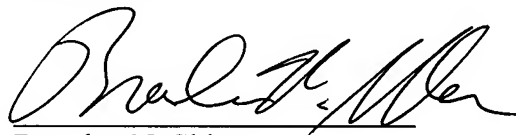
the predetermined key on the communication device” and “delivering the message to the destination party,” as required by claim 83. In the Office Action (in the discussion of claim 63), the Examiner has cited several passages from Dowden in which a recorded voice message is played either to the caller or to the called party. (Col. 8, line 32 - col. 9, line 68; col. 10, line 37 - col. 11, line 13). However, none of these voice messages is a message “by the caller” that is subsequently delivered “to the destination party,” as claimed. Therefore, new claim 83 is patentable over the cited art.

## VI. Conclusion

In view of the foregoing, each of claims 57-83, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

By



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